

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 1021 of 2006(O&M)
Date of decision: January 30,2007

Balbir Massih V. Gurmej Singh and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri N.S.Sodhi,Advocate, for the appellant.

Viney Mittal,J.(Oral)

CM is allowed and the delay in making good the deficiency in court fee is condoned.

For the reasons given in the application, delay in filing the present appeal is condoned. CM stands disposed of.

Defendant No.4 is the appellant before this court. He has failed in two courts below in a suit for permanent injunction filed by the plaintiffs.

Plaintiffs claimed that Punjab Wakf Board is the owner of the suit land and the same was on lease with the plaintiffs. Consequently they claimed that defendants have no right to dispossess them forcibly from the same.

Defendants claimed that the suit land was a kabrasthan and was not in possession of the plaintiffs.

Both the courts below have concurrently held that the plaintiffs was proved to be in possession of the suit land and the suit land was not shown to be Kabrasthan. It has also been held that the defendants have no concern with the same. Consequently defendants have been restrained from dispossessing the plaintiffs from the suit land except in due course of law. Suit filed by the plaintiffs has been decreed to the aforesaid extent and the appeal of

defendant No.4 has failed before the first appellate court.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 30,2007
sks

(Viney Mittal)
Judge